UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,312	06/23/2006	Masataka Togashi	291622US2PCT	9820

22859   7590   06/17/2008
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EXAMINER
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ART UNIT	PAPER NUMBER
2139	

NOTIFICATION DATE	DELIVERY MODE
06/17/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/584,312	TOGASHI ET AL.
	Examiner	Art Unit	
	Christian LaForgia	2139	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 March 2008</u>.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-3,5-12,15 and 17-20</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-3,5-12,15 and 17-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>03 June 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☒ All b)☐ Some * c)☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>5/27/08</u>

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   The amendment of 20 March 2008 has been noted and made of record.

2.   Claims 1-3, 5-12, 15, and 17-20 have been presented for examination.

3.   Claims 4, 13, 14, and 16 have been cancelled as per Applicant's request.

Response to Arguments

4.   Applicant's arguments, see page 11, filed 20 March 2008, with respect to 35 U.S.C. 112, 2ND paragraph rejections have been fully considered and are persuasive. The rejections of 1-3, 5-12, 15, and 17-20 under 35 U.S.C. 112, 2ND paragraph have been withdrawn.

5.   Applicant's arguments with respect to the 35 U.S.C. 101 rejection of claim 20 filed 20 March 2008 have been fully considered but they are not persuasive. The Examiner was unable to find any support for recording medium, and could interpret the recording medium as incorporating both storage media and transmission media as disclosed in the first paragraph on page 8. Since the recording medium can be interpreted as transmission media, claim 20 is still directed toward non-statutory subject matter and the rejection of claim 20 under 35 U.S.C. 101 is maintained.

6.   Applicant's arguments with respect to the prior art rejections of claims 1-3, 5-12, 15, and 17-20 have been considered but are moot in view of the new grounds of rejection set forth below.

Information Disclosure Statement

7.   The information disclosure statement (IDS) submitted on 27 May 2008 is in compliance

with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been

considered by the examiner.

Specification

8.   The specification is objected to as failing to provide proper antecedent basis for the

claimed subject matter of claim 20. Claim 20 has been amended to recite a "computer readable

recording medium." The Examiner was unable to find any support for recording medium, and

could interpret the recording medium as incorporating both storage media and transmission

media as disclosed in the first paragraph on page 8. The Examiner suggests replacing recording

medium with storage medium. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Appropriate

correction is required.

Claim Rejections - 35 USC § 101

9.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

10.   Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to

non-statutory subject matter. Claim 20 is directed to "computer readable recording medium."

One of ordinary skill in the art could reasonably construe that the claimed computer readable

recording medium included both storage media and transmission media as illustrated in the first

paragraph of page 8 of the specification. The Office's current position is that claims involving

transmission media, such as signals encoded with functional descriptive material, do not fall

within any of the categories of patentable subject matter set forth in 35 U.S.C. § 101, and such

claims are therefore ineligible for patent protection. *See* 1300 OG 142 (November 22, 2005) (in

particular, see Annex IV(c)).

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Claim Rejections - 35 USC § 103

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11.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

12.   Claims 1 and 3-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Application Publication No. 2003/0212828 A1 to Miyazaki et al., hereinafter Miyazaki, in

view of U.S. Patent No. 6,415,154 B1 to Wang et al., hereinafter Wang.

13.   As per claims 1, 15, and 20, Miyazaki teaches a time certification server, method, and

computer readable recording medium, comprising:

         a receiving section configured to receive from a terminal apparatus an issue request for a

time certification code and terminal information relating to the terminal apparatus (Figures 7

[blocks 702, 703], 12 [blocks 1202, 1203], paragraphs 0077, 0157, i.e. server receives time

stamp TS and digital data D);

         a temporal change information input section configured to input temporal change

information (Figures 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204], paragraphs

0050-0057);

         a first code generating section configured to generate a first code by encoding the

temporal change information and output the first code (paragraphs 0058-0062);

         a second code generating section configured to generates a second code based on the

received terminal information and the first code and output the second code (Figure 6,

paragraphs 0067-0072);

a transmitting section configured to transmit to the terminal apparatus the second code as a time certification code (Figures 7 [blocks 707, 708], 12 [blocks 1210, 1211], paragraphs 0073, 0164);

a time certification code memory section configured to store the time certification code in correlation with time (Figures 2 [block 210], 4 [block 407], 6 [block 605], 10 [block 1005], 11 [block 1107], paragraphs 0038, 0039, 0046, 0069); and

a certification processing section configured to receive the time certification code from the terminal apparatus, search the time certification code memory section using the time certification code received, to obtain time correlating with the time certification code, and output certification information based on the time obtained to the terminal apparatus (Figures 7, 12, paragraphs 0074-0083, 0152-0164).

15.   Miyazaki does not teach wherein the terminal information includes position information of the terminal apparatus obtained by measuring a position of the terminal apparatus.

16.   Wang teaches a mobile terminal with a GPS receiver, such that the mobile terminal transmits location information of said mobile terminal (Abstract, column 2, lines 27-44).

17.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to include location information in the data D transmitted from the terminal apparatus in Miyazaki, since Wang states at column 1, lines 23-28 that including the location information would help reduce code shift search time in GPS systems.

18.   Regarding claim 3, Miyazaki teaches wherein the terminal information includes terminal

identification information of the terminal apparatus (Figures 7 [blocks 702, 703], 12 [blocks

1202, 1203], paragraphs 0077, 0157, i.e. server receives time stamp TS and digital data D), and

        the second code generating section is configured to hash the terminal information

including the terminal identification information and the temporal change information, to

generate the second code (Figure 6, paragraphs 0067-0072).

19.   Regarding claim 5, Miyazaki teaches wherein the terminal information includes location-

dependent information unique to a location of the terminal apparatus (paragraphs 0175, 0176),

and

        the second code generating section is configured to hash the terminal information

including the location-dependent information and the temporal change information, to generate

the second code (Figure 6, paragraphs 0067-0072).

20.   Regarding claim 6, Miyazaki teaches wherein the terminal information includes terminal

positioning information, obtained by a Global Positioning System (GPS) satellite used to

measure a position of the terminal apparatus, and positioning time information, acquired from a

satellite electronic clock of the GPS satellite (Figure 1 [block 105], paragraphs 0034, 0175,

0176); and the time certification server further comprises:

        a server electronic clock synchronized with the satellite electronic clock of the GPS

satellite (Figure 3, paragraphs 0034, 0040); and

a certification time recording section configured to store the positioning time information included in the terminal information and time information measured by the server electronic clock (Figures 2 [block 210], 4 [block 407], paragraphs 0038, 0039, 0046, 0069).

21.   Regarding claim 7, Miyazaki teaches wherein the terminal information includes a previously issued time certification code (Figures 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204], paragraphs 0050-0057),

the second code generating section is configured to generate the second code based on the terminal information including the time certification code and the temporal change information (Figure 6, paragraphs 0067-0072), and

the transmitting section is configured to transmit to the terminal apparatus the second code output from the second code generating section as a new time certification code (Figures 7 [blocks 707, 708], 12 [blocks 1210, 1211], paragraphs 0073, 0164).

22.   With regards to claims 8 and 18, Miyazaki teaches wherein the time certification code memory section is configured to store the previously issued time certification code and the new time certification code in correlation with each other in a traceable manner (Figures 2 [block 210], 4 [block 407], paragraphs 0038, 0039, 0046, 0069), and

the certification processing section, upon receipt of the time certification code from the terminal apparatus, is configured to retrieve from the time certification code memory section a time certification code that correlates with the time certification code received, and output to the

terminal apparatus the certification information that is acquired from the time certification code

retrieved (Figures 7, 12, paragraphs 0074-0083, 0152-0164).

23.   Regarding claim 9, Miyazaki teaches a condition checking section configured to detect

whether information acquired from the terminal information meets a predetermined condition

(Figure 7 [blocks 706, 707], 12 [blocks 1206, 1209, 1210], paragraphs 0082, 0083, 0160-0164),

and

         a special code instruction section configured to instruct the second code generating

section to add a special code indicating that the information acquired from the terminal

information meets the predetermined condition when the condition checking section detects that

the information acquired from the terminal information meets the predetermined condition

(Figures 7 [blocks 707, 708], 12 [blocks 1210, 1211], paragraphs 0073, 0164).

24.   Regarding claim 10, Miyazaki teaches a condition checking section configured to detect

whether information acquired from the terminal information meets a predetermined condition

(Figure 7 [blocks 706, 707], 12 [blocks 1206, 1209, 1210], paragraphs 0082, 0083, 0160-0164),

and

         an inhibiting section configured to inhibit the second code generating section from

generating the-second code when the condition checking section detects that the information

acquired from the terminal information meets the predetermined condition (Figures 7 [blocks

707, 708], 12 [blocks 1210, 1211], paragraphs 0073, 0164).

25.   Regarding claims 11 and 19, Miyazaki teaches wherein the temporal change information

input section is configured to be connected to a plurality of source devices, each providing the

temporal change information, and select one of the plurality of source devices based on time

(Figures 1 [blocks 103], 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204],

paragraphs 0050-0057).

26.   With regards to claim 12, Miyazaki teaches wherein the temporal change information

input section is configured to select the one of the plurality of source devices at random (Figures

1 [blocks 103], 5 [block 502], 7 [blocks 704], 11 [block 1102], 12 [block 1204], paragraphs

0050-0057).

27.   Regarding claim 17, Miyazaki teaches wherein the terminal information includes a

previously issued time certification code (Figures 5 [block 502], 7 [blocks 704], 11 [block 1102],

12 [block 1204], paragraphs 0050-0057), and

        the time certification server inputs from the terminal apparatus the terminal information

including the previously issued time certification code, generates the second code based on the

terminal information including the time certification code and the temporal change information,

and transmits the second code to the terminal apparatus as a new time certification code (Figure

6, paragraphs 0067-0072).

28.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki in view

of Wang as applied above, and in further view of Japanese Patent Publication Document 2001-

297062 to Togashi et al, hereinafter Togashi.

29.   Regarding claim 2, Miyazaki teaches wherein the temporal change information input

section inputs the temporal change (Figures 5 [block 502], 7 [blocks 704], 11 [block 1102], 12

[block 1204], paragraphs 0050-0057), and wherein the temporal change information is combined

with a random number seed (paragraphs 0058-0062).

30.   Miyazaki does not teach wherein the temporal change information includes weather

information and wherein the first code generating section hashes the temporal change

information including the weather information, thereby thus generating the first code.

31.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to replace the random number seed with a hash function since Miyazaki states at

paragraph 0072 that hash functions are difficult to duplicate and provide against collision

resistance.

32.   Togashi teaches wherein the temporal information includes weather information (see

Applicant's specification, paragraph 0003).

33.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to have the temporal change information include weather information, since it has

been held that combining two well-known practice requires routine skill in the art. See *KSR*

International Co. v. Teleflex Inc., 82 USPQ2d 1385 (U.S. 2007).

Conclusion

34.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

35.   The following patents are cited to further show the state of the art with respect to time

certification, such as:

        United States Patent No. 7,266,685 B1 to Meandzija et al., which is cited to show a timer

certification system in a wireless network.

        United States Patent No. 7,321,776 B2 to Camp, Jr. et al., which is cited to show

estimating the time at a wireless terminal based on information from the base station.

36.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

37.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

38.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christian LaForgia whose telephone number is (571)272-3792.

The examiner can normally be reached on Monday thru Thursday 7-5.

39.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

40.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christian LaForgia/
Primary Examiner, Art Unit 2139

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